



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,754	07/08/2003	Zeenat Jetha	16350-32US	6139

7590

07/01/2005

Ogilvy Renault
Suite 1600
1981 McGill College Avenue
Montreal, QC H3A 2Y3
CANADA

EXAMINER

LUU, MATTHEW

ART UNIT

PAPER NUMBER

2676

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,754

Applicant(s)

JETHA ET AL.

Examiner

LUU MATTHEW

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jogo (US 2001/0048447) in view of Buxton et al (5,798,752).

Regarding claim 1, Jogo discloses (Figs. 2, 8A-9B) a method for cropping a computer generated original image (100) on a display (37), comprising the steps of:

adjusting a user-selected movable boundary (crop reference line 98, crop boundary 98a, or lower horizontal line 98c) on the original image (100) to define a cropped image within the boundary (page 7, section (0092) and section (0093, lines 1-4)), the boundary (98a) define by a reference point (98e); and

distorting (enlarging or reducing the cropped image) the original image (100) in regions (upper and lower horizontal regions within the crop boundary 98a) surrounding the reference point (98e), whereby the boundary (98a) is accurately positioned for cropping. See page 6, section (0078, lines 1-4). Furthermore, the word "distort" as defined in Webster's New World Dictionary, Third College Edition, "change the usual or normal shape, form, or appearance". Thus, by enlarging or reducing the cropped image, it will change the appearance of the original image.

Furthermore, image distortion such as enlargement or reduction is well known in the art.

The only difference between the disclosure of Jogo and the claimed invention is that the claim 1 requires two or more points on the original image, instead of only one reference point (98e) as disclosed by Jogo.

However, Buxton discloses (Figs. 1 and 25) a graphical user interface (GUI) for manipulating the graphical images, wherein as shown in Fig. 25, the original image having a plurality of user interface objects or points, called handles, on top of scene image. By pointing at these points or handles with a cursor, users can perform translation, scaling, and stretching (distortion) on the object image. See column 20, lines 43-57. It would have been obvious to a person of ordinary skill in the art to use the graphics user interface control points or handles to scale, stretch, or distort the object image, as taught by Buxton, into the image cropping system of Jogo to provide a user interface technique that allows a user to perform moving, scaling, and stretching the original image as desired by the user with fewer actions, thereby significantly enhancing productivity.

Regarding claim 2, Buxton discloses (Fig. 25) the step of creating a lens surface (the overlay sheet with nine points of handles) and applying a distortion function (the stretching function) (see column 20, lines 49-50 and 57-63).

Regarding claim 3, Buxton discloses (Fig. 25) the step of displaying a graphical user interface (interface objects called handles) (column 20, lines 43-46) over the original object image.

Regarding claim 4, Buxton discloses (Fig. 25) the lens (the overlay) includes a focal region (the central white square handle) and abase region (the region that bounded by the 9 outside white squares handles and GUI (handles) includes at least one of a bounding rectangular icon with at least one handle icon for adjusting a size and a shape for the base region. See column 20, lines 43-63.

Regarding claim 5, Buxton discloses (Fig. 25) a cursor for adjusting the handles.

Regarding claim 6, it is well known that a cursor is an icon.

Regarding claim 7, moving a mouse to move a cursor on a display screen is well known in the art.

Regarding claim 8, Jogo discloses (Fig. 8A) the movable boundary (98a) is a polygon.

Regarding claim 9, Jogo discloses (Figs. 2, 8A-9B) a method for cropping a computer generated original image (100) on a display (37), comprising the steps of:

adjusting a user-selected movable line segment (crop reference line 98, crop boundary 98a, or lower horizontal line 98c) on the original image (100); and

distorting (enlarging or reducing the cropped image) the original image (100) in regions surrounding the reference point (98e) (upper and lower horizontal regions within the crop boundary 98a). Furthermore, the word "distort" as defined in Webster's New World Dictionary, Third College Edition, "change the usual or normal shape, form, or appearance". Thus, by enlarging or reducing the cropped image, it will change the appearance of the original image.

The only difference between the disclosure of Jogo and the claimed invention is that the claim 9 requires points on the original image which, whereby the points are accurately positioned for measuring.

However, Buxton discloses (Figs. 1 and 22) a graphical user interface (GUI) for measuring the graphical images, wherein as shown in Fig. 22, the user can select to click on the object image from the first point to a second point to find out the measured length and slope. See column 19, lines 60-63. It would have been obvious to a person of ordinary skill in the art to use the graphics user interface measuring tools, as taught by Buxton, into the image cropping system of Jogo to provide a user interface technique that allows a user to measure the geometric properties, namely coordinates, lengths, slopes, and angles of the original image as desired by the user to allow the user to cut, paste, and manipulate the original photo image in different sizes, angles, and orientations with fewer actions, thereby significantly enhancing productivity.

Regarding claim 10, Buxton discloses (Fig. 25) the step of creating a lens surface (the overlay sheet with nine points of handles) and applying a distortion function (the stretching function) (see column 20, lines 49-50 and 57-63).

Regarding claim 11, Buxton discloses (Fig. 25) the step of displaying a graphical user interface (interface objects called handles) (column 20, lines 43-46) over the original object image.

Regarding claims 12-15, note the rejections as set forth above with respect to claims 4-7.

Regarding claim 16, Jogo discloses (Fig. 8A) both of the boundary line (98a) and lower horizontal line (98c) are straight lines. Buxton further discloses (Fig. 22) the distance between two points is a straight line.

Regarding claim 17, Buxton discloses (Fig. 12) multiple image layers.

Regarding claims 18 and 19, Buxton discloses (Fig. 12) a predetermined selection of the layers. Column 16, lines 19-33.

Response to Arguments

Applicant's arguments filed March 15, 2005 have been fully considered but they are not persuasive.

The Applicant argues, on page 5 and 7, by asserting that both of Jogo and Buxton do not disclose distorting the original image. The examiner respectfully disagrees.

Jogo clear teaches "The extracted image data is expanded or compressed to enlarge or deduce the cropped image in accordance with the size of each frame 93a of the template 93, i.e. 5.0 cm x 4.0 cm" (Section 78, lines 1-4). Therefore, based on this teaching, Jogo clearly teaches the image distortion, i. e. enlargement or reduction.

On the other hand, Buxton also discloses (Fig. 25) wherein the circle image being distorted (stretched) to become an elliptical image. See column 20, lines 43-63.

The Applicant also mentions, on page 7,

"Moreover, the Buxton et al. reference pertains to an inset magnifier or inset window, rather than a continuous presentation such as the of the Applicant's invention.

In the Buxton et al. reference, stretching via moving the GUI handle icons necessarily detaches the magnifying lens from the image and stretches the lens content so as to obscure a portion of the underlying image, whereas in the Applicant's invention, the presentation is continuous and there is no obscuring of the underlying image."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., presentation is continuous and there is no obscuring of the underlying image) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Applicant argues, on page 8, by asserting that both of Jogo and Buxton do not disclose 'distorting said original image in regions surrounding said points, whereby said points are accurately positioned for measuring". The examiner respectfully disagrees.

Buxton clearly discloses (Figs. 1 and 22) a graphical user interface (GUI) for measuring the graphical images, wherein as shown in Fig. 22, the user can select to click on the object image from the first point to a second point to find out the measured length and slope. See column 19, lines 60-63.

Claims 4-7 and 12-15 are now rejected based on a new ground.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BELLA MATTHEW can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu

A handwritten signature in black ink, appearing to read 'Matthew Luu', with a large, stylized initial 'M'.

**MATTHEW LUU
PRIMARY EXAMINER**